

Image 1722



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Reissue  
Application No. : 09/902,475  
Confirmation No. 7468  
Applicant : Briere, *et al.*  
Filed : July 9, 2001  
Title : **BLOW MOLDING DEVICE FOR PRODUCING  
THERMOPLASTIC CONTAINERS**  
Art Unit : 1722  
Examiner : Robert B. Davis  
Docket No. : 011496/236625  
Customer No. : 00826

Mail Stop Reissue  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT  
DATED JANUARY 23, 2004**

Commissioner:

The above-identified application is a continuation of an application for reissue of U.S. Patent No. 5,968,560. The parent application for reissue remains pending and bears application serial number 09/553,413.

**First Notice**

The Office issued a Notice of Non-Compliant Amendment on December 11, 2003, citing the rules set forth in 37 C.F.R. § 1.121. The rules in Section 121, however, do not apply to reissue applications.

“(h) *Amendments in reissue applications.* Any amendment to the description and claims in reissue applications must be made in accordance with § 1.173.”

37 C.F.R. § 1.121(h). In response, the Applicant filed a “Re-Submission of the Applicant’s Response and Amendment in a Reissue Application” on January 9, 2004, for reconsideration.

### Second Notice

The Office issued a second Notice of Non-Compliant Amendment dated January 23, 2004, again citing Section 121.

On January 28, 2004, the undersigned telephoned the Legal Instruments Examiner at (517) 272-1033 to discuss the fact that Section 121 does not apply to reissue applications. The undersigned was instructed by the Examiner to disregard the second Notice.

Accordingly, the Applicant submits this Response for the record and requests immediate entry and consideration of the Response and Amendment originally filed October 14, 2003.

### CONCLUSION

The Applicant does not believe any fees for extensions of time or net addition of claims are required, beyond those which may otherwise be provided for in documents previously submitted. In the event, however, that additional extensions of time are necessary to allow the consideration of this paper, such extensions are hereby petitioned-for under 37 CFR § 1.136(a) and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account Number 16-0605.

Respectfully submitted,




J. Scott Anderson  
Registration No. 48,563

**Customer No. 00826**

**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Atlanta (404) 881-7000  
Fax (404) 881-7777

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to **Mail Stop Reissue**, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on this, the 29 day of January, 2004.

  
Shana Moore